

**Congress of the United States**  
**Washington, DC 20515**

June 8, 2004

The Honorable Donald Rumsfeld  
Secretary of Defense  
Room 3E880  
The Pentagon  
Washington, D.C. 20301

Dear Secretary Rumsfeld:

We write to request the immediate declassification of the March 6, 2003 memorandum regarding the torture of detainees that has been discussed in detail in media reports. Similarly, we hope you will take steps to clarify the official Department of Defense policy concerning the use of torture by U.S. government employees and their agents.

According to stories published this week in the *New York Times*, *Washington Post* and *Wall Street Journal*, over the last few years, administration lawyers have compiled a number of legal memos justifying the use of torture in the war on terror. The *Times* specifically cites sections from a March 2003 memo, apparently written at your request, which argues that national security concerns give the President the authority to sanction any interrogation technique, regardless of our commitments under the international treaty prohibiting torture or our own federal anti-torture statute.

Those sections which have been leaked in the press raise serious questions about the conduct of our military in the war on terror. For instance, the *Times* reports that the March 6 memo suggests a narrow interpretation of the definition of torture, arguing that "the infliction of pain or suffering per se, whether it is physical or mental, is insufficient to amount to torture." That same article claims that your legal advisors suggested interrogators have the authority to break any law or treaty requirement if they believe "at the moment that his act is necessary and designed to avoid greater harm."

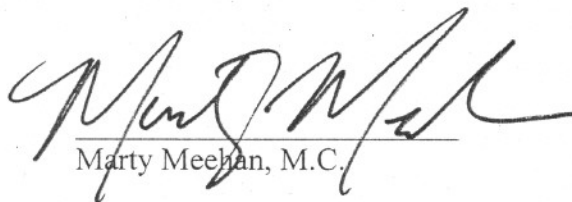
The March 6 memo reportedly suggests also that torture committed at the U.S. Naval Base at Guantanamo Bay, Cuba, could not violate the extraterritorial provisions of the U.S. federal anti-torture statute because the base falls under American legal jurisdiction. However, in recent cases now before the Supreme Court, administration lawyers have argued that U.S. courts lack the authority to rule on government or military conduct at Guantanamo because the territory falls outside U.S. jurisdiction.

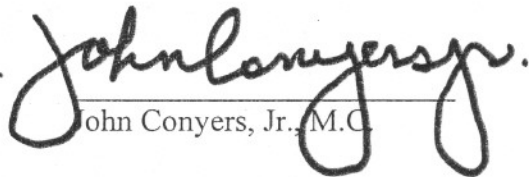
The possibility that U.S. policy now officially condones the use of torture has frightening implications, both for our international credibility and the safety of Americans who are detained abroad. The good name of this nation rests on our willingness to consistently

uphold our core democratic values. A fundamental respect for human dignity and human life, reflected in international treaties prohibiting torture, lies at the center of these values. However, if the current Administration fails to clarify its position on the legality of torture, allies and enemies alike will question our commitment. More urgently, if our official policy does condone the use of torture, it will be increasingly difficult to protect our troops from inhumane treatment when they are detained abroad.

We believe these concerns demand a full accounting. We request that you immediately declassify the memo cited above and deliver the document to the Congress with a complete explanation of the Department's current official position on the use of torture.

Sincerely,

  
Marty Meehan, M.C.

  
John Conyers, Jr., M.C.